

REMARKS

Claims 68-90 are pending in the present application with claims 68, 80, and 85 being the independent claims. In summary of the outstanding Office Action, the specification is objected to under 35 U.S.C. 132(a) and claims 68-90 are rejected under 35 U.S.C. § 112 as allegedly failing to comply with the written description requirement.

Reconsideration of the outstanding objection and rejections to the claims is respectfully requested in view of the following remarks.

Objection Under 35 U.S.C. 132(a) and Claim Rejections Under 35 U.S.C. § 112

The specification is objected to under 35 U.S.C. 132(a) and claims 68-90 are rejected under 35 U.S.C. § 112 as allegedly failing to comply with the written description requirement.

The Office Action alleges that the amendment filed on 9/19/05 to the claims introduces new matter into the disclosure and thus amended claims 68-90 lack support in the original specification as filed. Applicants respectfully disagree. As stated in the previous response, support for the claim amendments appears in the specification as filed, particularly on page 28 line 17 to page 29, line 6 of the specification. The excerpt from this section of the specification appears below:

The video distribution system of Example II is implemented with the same tiers of movies as Example I with the difference being that the Tier 1 movies are transmitted in compressed time format *to a high speed memory buffer contained in the user station which, in turn, writes to the DVD RAM disc* at its maximum write speed. This compressed time transmission (e.g., 8 to 10 minutes per movie) permits consumers to have movies, particularly Tier 1 movies, available on short notice, often in a time less than or on the order of that time required for a round trip to a video rental store. To further facilitate this enhanced availability of movies on short notice, according to Example II Tier I new release movies are transmitted every minutes from 5:30 pm to 8:30 pm, and at several other times daily.

09/385,671 specification, page 28 line 17 to page 29, line 6 (emphasis added)

An exemplary amended claim (claim 68 of the application) appears below showing the amendment in question:

68. (currently amended) A method comprising:

transmitting a plurality of video programs ~~together~~ to a plurality of consumer locations for automatic storage at the consumer locations without consumer selection or using individual consumer preference information ~~in response to video program pre-selections made by said consumer locations;~~
and

billing a consumer location within the plurality of consumer locations once ~~a~~ an automatically stored video program from the plurality of transmitted video programs ~~that has been pre-selected and then pre-recorded at the consumer location~~ has been selected for viewing.

First of all, The “Tier 1” movies referred to in the excerpt from the specification above are transmitted “without consumer selection or using individual consumer preference information.” They are transmitted every day according to a regular transmission schedule (i.e., without regard to individual consumer selection or individual consumer preference information.) Support in the specification is evident on page 27, lines 7-10:

Transmission Schedule

Tier 1: Each new release movie is transmitted every day on the hour from 4:30 pm to 8:30 pm, and at several other times daily.

09/385,671 specification, page 27, lines 7-10

This corresponds to the added language of claim 68 above “without consumer selection or using individual consumer preference information.”

Second, the language italicized in the excerpt above from the specification recites the Tier 1 movies are transmitted “to a high speed memory buffer contained in the user station which, in turn, writes to the DVD RAM disc” 09/385,671 specification, page 28 lines 20-21.

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This corresponds to the added language of claim 68 above “for automatic storage at the consumer locations.”

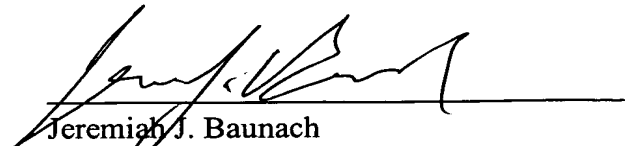
Thus, there exists support in the specification as filed for the amendments in question adding the language “for automatic storage at the consumer locations without consumer selection or using individual consumer preference information.”

Therefore, Applicants respectfully request withdrawal of the objection to the specification under 35 U.S.C. 132(a) and the rejection of claims 68-90 under 35 U.S.C. § 112.

CONCLUSION

Applicants believe that the present reply is responsive to each point raised by the Examiner in the Office Action and Applicants submit that claims 68-89 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner’s earliest convenience is earnestly solicited. However, should the Examiner find the claims as presented herein to not be allowable for any reason, Applicants’ undersigned representative earnestly requests a telephone conference at (206) 332-1392 with both the Examiner and the Examiner’s Supervisor to discuss the basis for the Examiner’s continued rejection in light of the Applicant’s arguments presented herein. Likewise, should the Examiner have any questions, comments, or suggestions that would expedite the prosecution of the present case to allowance, Applicants’ undersigned representative would very much appreciate a telephone conference to discuss these issues.

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